

National Science Foundation

§ 613.4

OGE/GOVT-2, Confidential Statements of Employment and Financial Interests
OPM/GOVT-1, General Personnel Records
OPM/GOVT-5, Recruiting, Examining and Placement Records
OPM/GOVT-7, Applicant Race, Sex, National Origin, and Disability Records.
OPM/GOVT-10, Employee Medical File System of Records

Accordingly, with respect to requests for records in these systems the Foundation reserves the right to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, _____, do hereby certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of persons authorized to act on his behalf in accordance with 5 U.S.C. 552a(h).

(Signature)

(Date)

In the County of _____
State of _____

On this _____ day of _____, 19__.

(Name of Individual)

who is personally known to me, did appear before me and sign the above certificate.

(Signature)

(Date)

(S) My commission expires _____.

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this section, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction the identity of the requester.

(d) Charges for copies of records will be at the rate of \$0.10 per photocopy of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed \$3.00 for each request or related series of requests. If a fee in excess of \$25.00 would be required, the requester shall be notified and the fee must be tendered before the records will be copied.

(e) The procedures of paragraphs (a) through (d) of this section shall also apply to requests made pursuant to 5 U.S.C. 552a(c)(3) that accountings made under 5 U.S.C. 552a(c)(1) be made available.

[40 FR 44510, Sept. 26, 1975, as amended at 42 FR 8639, Feb. 11, 1977; 49 FR 37596, Sept. 25, 1984; 59 FR 37438, July 22, 1994; 61 FR 51022, Sept. 30, 1996]

§ 613.4 Correction of records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552a(d)(2). Such a request shall be made in writing and addressed to the NSF Privacy Act Officer, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the Privacy Act Officer becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the Privacy Act Officer shall acknowledge receipt of the request.

(c) The Privacy Act Officer upon the receipt of such a request shall promptly confer with the Directorate or office within the NSF responsible for the record. If the Privacy Act Officer finds

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that correction is not warranted in whole or in part, the matter shall be brought to the attention of the Inspector General, if it pertains to records maintained by the Office of Inspector General, or to the attention of the General Counsel, if it pertains to other records. If, after review by the General Counsel or by the Inspector General and discussion with the requester if deemed helpful, it is determined that correction as requested is not warranted, a letter shall be sent by the Privacy Act Officer to the requester denying his request and/or explaining what correction might be made if agreeable to the requester. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d) of this section. Such letter or notification that the desired correction will be made shall normally be sent within 30 working days of the receipt of a properly addressed request (or within 30 working days of the time the Privacy Act Officer becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act).

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section, to the Deputy Director of the Foundation. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal, and shall be before the Deputy Director or his designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Deputy Director shall render his decision within thirty working days after receipt of the written appeal at the Foundation unless the Director, for good cause shown, extends the 30-day period and the appellant is advised in writing of such extension. If a hearing is requested, then the Foundation will attempt to contact the appellant with-

in five working days and arrange a suitable time for the hearing. In such case the decision of the Deputy Director shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Deputy Director in an appeal shall be in writing and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of his right to appeal the decision under 5 U.S.C. 552a(g)(1)(A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for his disagreement with the refusal of the Foundation to amend his record.

[40 FR 44510, Sept. 26, 1975, as amended at 42 FR 8639, Feb. 11, 1977; 56 FR 47417, Sept. 19, 1991; 59 FR 37438, July 22, 1994]

§613.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with NSF regulations found at 45 CFR part 612.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 U.S.C. 552a(b)(1) or (3) through (11).

§613.6 Exemptions.

(a) *Fellowships and other support.* Pursuant to 5 U.S.C. 552a(k)(5), the Foundation hereby exempts from the application of 5 U.S.C. 552a(d) any materials which would disclose the identity of references of fellowship applicants or reviewers of applicants for Federal contracts (including grants and cooperative agreements) contained in any of the following systems of records: (1)